

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TONI LATIMER	:	CIVIL ACTION
	:	
v.	:	
	:	
SENN FREIGHT LINES, INC. and	:	
MARK ABNEY	:	NO. 02-CV-3562

MOTION TO CONTINUE ARBITRATION

AND NOW, here comes Senn Freight Lines, Inc., by and through their attorney, Rawle & Henderson, LLP, to continue the arbitration for sixty days, to be heard on December 19, 2002, and in support thereof, avers as follows:

1. This action arises out of an action occurring on May 5, 2000 in Philadelphia, Pennsylvania. As a result of this accident, plaintiff, Toni Latimer, has claimed injuries to the neck and back.
2. On May April 16, 2002, plaintiff instituted this suit in the Court of Common Pleas of Philadelphia County.
3. On June 4, 2002, defendant removed this suit to the United States District Court for the Eastern District of Pennsylvania.
4. On June 27, 2002, an Answer was filed on behalf of Senn Freight Lines.
5. On July 2, 2002, the Court Ordered a Case Management Conference for August 5, 2002.
6. On July 23, 2002, Defendant was informed that plaintiff was sought recovery for damages under \$150,000.
7. On August 4, 2002, in light of the plaintiff's admission on the Scheduling Information Report that she was seeking under \$150,000, the Court canceled the Case

Management Conference and instead entered an Order scheduling arbitration for October 22, 2002.

8. Despite the efforts of both parties, there is still discovery that remains outstanding. Upon receiving plaintiff's initial disclosures, defendant subpoenaed the records of plaintiff's medical providers, employer and insurance. These records referenced records of other medical providers for injuries to the same area of the body as identified in the complaint for this accident.

Defendant has subpoenaed the records of plaintiff's past medical history, however, many of them remain outstanding.

9. Plaintiff has made a wage loss claim for the injuries she sustained in this accident. Defendant subpoenaed the records of plaintiff's employer. However, those records remain outstanding.

10. Defendant recently attempted to take the deposition of plaintiff Toni Latimer. Unfortunately, Ms. Latimer was involved in a family crisis on the day of the deposition and was emotionally unable to continue with the deposition. The parties have agreed to reschedule the deposition for October 11, 2002.

11. Additionally, at the time of the deposition, defendant was notified of a subsequent accident which Latimer was involved in on June 5, 2002 in Philadelphia, Pennsylvania. Plaintiff sustained injuries as a result of that accident for which she is treating. This accident was not identified in plaintiff's Answers to Interrogatories. Defendant subpoenaed the records of the medical providers.

12. . Despite its efforts, defendant require additional time to complete discovery in this matter.

13. The continuation of the arbitration to December 19, 2002, causes no prejudice to the plaintiff. However, defendant is greatly prejudiced if it is unable to adequately defend this matter.

14. Plaintiff has no objection to the continuance of this matter.

15. WHEREFORE, defendant respectfully request that this arbitration be continued for sixty days to be heard on December 19, 2002.

RAWLE & HENDERSON, LLP

By:

Dawn L. Jennings, Esquire
Attorneys for Defendant,
Senn Freight Lines, Inc.

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ORDER

AND NOW, this day of , 2002, the arbitration in the
above-referenced matter is continued from October 22, 2002 to December 19, 2002.

BY THE COURT:

J.